



In re application of : Confirmation No. 3316
Hiroshi YANAGAWA et al. : Atty Docket No. 2001-1921
Serial No. 10/046,722 : Group Art Unit 1636
Filed January 17, 2002 : Examiner David A. LAMBERTSON
MOLECULE ASSIGNING GENOTYPE TO
PHENOTYPE AND USE THEREOF : Mail Stop: Amendment

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of \$220.00 to cover Patent Office fees relating to filing the following attached papers:

Other: Terminal Disclaimer (2 @ \$110.00 each) \$220.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Hiroshi YANAGAWA et al.

By Warren Cheek Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

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October 1, 2004

THE COMMISSIONER IS AUTHORIZED
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2001-1921

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3316**
Hiroshi YANAGAWA et al. : Attorney Docket No. 2001-1921
Serial No. 10/046,722 : Group Art Unit 1636
Filed January 17, 2002 : Examiner David A. LAMBERTSON
MOLECULE ASSIGNING GENOTYPE : **Mail Stop: AMENDMENT**
TO PHENOTYPE AND USE THEREOF

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321
OVER A PRIOR PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Mitsubishi Chemical Corporation, of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,361,943, issued March 26, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims

cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 The undersigned is empowered to act on behalf of the organization.

X The undersigned is an attorney of record.

October 1, 2004

By: Warren M. Cheek, Jr.
Warren M. Cheek, Jr., Reg. No. 33,367

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3316**
Hiroshi YANAGAWA et al. : Attorney Docket No. 2001-1921
Serial No. 10/046,722 : Group Art Unit 1636
Filed January 17, 2002 : Examiner David A. LAMBERTSON
MOLECULE ASSIGNING GENOTYPE : **Mail Stop: AMENDMENT**
TO PHENOTYPE AND USE THEREOF

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321
OVER A CO-PENDING APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Mitsubishi Chemical Corporation, of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-pending second application No. 10/228,070, filed August 27, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or

terminally disclaimed under 37 CFR 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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